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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,986

02/25/2002

David C. Putallaz

9955

7590

02/28/2003

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,986

Applicant(s)

PUTALLAZ, DAVID C.

Examiner

Sharon E. Payne

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the integral spacer (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. *Please note that drawing corrections should be done in red.*

Claim Objections

4. Claim 1 is objected to because of the following informalities: 1) the claim should start with "A shoulder mount for a flashlight comprising"; 2) the phrase "a rigid plate" in line 5 should be "a first rigid plate"; 3) the phrase "said plate" as used throughout the claim should be "said first plate"; 4) the phrase "the barrel" in line 24 should be "a barrel"; 5) the term "side profile" in

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line 19 should be defined in the claim; 6) the term "front profile" in line 20 should be defined in the claim; 7) the phrase "thumb wheel" should be "thumb screw" in line 12; 8) the phrase "said shoulder plate" in line 15 should be "said first plate"; 9) the phrase "said flashlight base" should be "said square base" in line 26; 10) the word "its lower surface" in line 27 should be "a lower surface"; 11) the phrase "the user's" should be "a user's" in line 6; 12) the phrase "its upper surface" should be "an upper surface of the first rigid plate" in line 16; 13) the phrase "an arm at each corner" should be "two arms, each arm on an opposite side" in line 18 and 14) the phrase "flashlight retaining member" should be "flashlight-retaining member" throughout the claims.

5. Claims 2-5 are objected to because of the following informalities: the claims should start with "The shoulder mount for a flashlight as claimed in claim 1" in line 1.

6. Claim 3 is objected to because of the following informalities: 1) the phrase "where an alternate embodiment includes" should be "further including" in lines 1-2; 2) the word "standard" should be deleted, because its meaning is not clear; and 3) the phrase "vice like assembly" should be deleted and replaced with a specific structure. A proposed claim is listed below.

7. Claim 4 is objected to because of the following informality: this claim fails to recite the structure. This claim should be replaced with a proposed claim that is given below.

8. Claim 5 is objected to because of the following informalities: 1) the phrase "where an alternate embodiment includes" should be "wherein" in lines 1-2; and 2) the phrase "or the like" should be deleted. A proposed claim is listed below.

Appropriate correction is required.

9. The following claims 1 and 3-5 are drafted by the examiner and considered to distinguish patentably over the art of record in this application, Claims 1 and 3-5 are presented to applicant for consideration.

1) A shoulder mount for a flashlight comprising:

- a shoulder mount assembly;
- a ball joint;
- a flashlight-retaining member;
- the shoulder mount assembly comprising a first rigid plate;
- the first rigid plate having an integral extension that curves downward towards the front of a user;
- the first rigid plate having a spring biased member that attaches to a second rigid plate that impinges on a rear shoulder of the user;
- the first rigid plate having a plurality of threaded apertures retaining a threaded screw, the threaded screw having an attached thumb screw;
- the first rigid plate having an integral spacer and a rigid strap retaining plate attached to the integral spacers;
- the first rigid plate having the ball joint member attached to an upper surface of the first rigid plate;
- the flashlight-retaining member comprising a base plate;
- the base plate having two arms, each arm on an opposite side of the base plate;
- the arms each retaining a compression spring;
- the springs holding up a pair of shafts;
- the shafts supporting a pair of rollers at a height sufficient to retain a barrel of a flashlight;
- the base plate having a mating ball joint attached to a lower surface of the base plate allowing the flashlight-retaining member to be angled up or down or swiveled from side to side.

3) The shoulder mount for a flashlight as claimed in claim 1 further including a threaded rod having a tightening knob, the threaded rod inserted inside the base plate of the flashlight-retaining member, wherein the base plate of the flashlight retaining member is divided into two parts, one part being stationary and the other part being movable, with the threaded rod threadably connecting the two parts and the tightening knob protruding out to one side of the base plate whereby the arms may be moved toward and away from each other to allow different diameter flashlight barrels to be secure yet removable.

4) The shoulder mount for a flashlight as claimed in claim 1 further including an iron-on epaulet sized to fit into the strap retaining plate having an upper side and a lower side, the lower side having a left end, a middle area and a right end, wherein the left end and the right end each have heat sensitive adhesive thereon.

5) The shoulder mount for a flashlight as claimed in claim 1 wherein the strap retaining plate comprises an attachment means for an epaulet or for a strap that goes extends toward the front and back of the user.

10. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Applicant may also wish to look at the web site www.uspto.gov.

Allowable Subject Matter

11. Claims 1-5 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show a shoulder mount for a flashlight having rollers located above the centerline of the barrel of a flashlight so that the rollers removably retain the flashlight as recited in claim 1.

Conclusion

13. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Longley (U.S. Patent 6,062,447) discloses a molded quick-release buckle and forearm support strap.

Colangelo et al. (U.S. Patent 6,015,217) discloses a uniform epaulet-coupled emergency flashlight.

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Yu (U.S. Patent 5,816,684) discloses a positionable flashlight and holder.


Sadloski et al. (U.S. Patent 2,506,685) discloses a shoulder-supported flashlight holder.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep
February 22, 2003



Sharon E. Payne
Examiner
Art Unit 2875